



Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

AUG 27 2015

Ms. Michele A. Gee
Economic Assistance Policy Director
North Dakota Department of Human Services
600 East Boulevard Avenue
Department 324
Bismarck, North Dakota 58505-0250

RE: SNAP – North Dakota Request to Waive Able-bodied Adults without
Dependents Time Limit – Extension and Modification

Dear Ms. Gee:

This is in response to the North Dakota Department of Human Services' request to extend and modify waiver number 970125, which would allow North Dakota to exempt able-bodied adults without dependents (ABAWD) in Benson, Eddy, Emmons, Kidder, Pierce, Rolette, and Sheridan Counties from the Supplemental Nutrition Assistance Program time limit at 7 CFR 273.24 for fiscal year 2016. North Dakota's current ABAWD time limit waiver, which includes Benson, Peirce, and Rolette Counties, is effective through September 30, 2015.

North Dakota has supported its extension and modification request based upon the combined area of Benson, Eddy, Emmons, Kidder, Pierce, Rolette, and Sheridan Counties having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of March 2013 to February 2015, a criterion for waiver approval provided by Federal regulations at 7 CFR 273.24.

Therefore, the Food and Nutrition Service is approving the State agency's request to waive the ABAWD time limit in all seven counties for 12 months, effective October 1, 2015, through September 30, 2016. The detailed waiver response is attached. If you have any questions, please contact Kathie Herrman at Kathie.Herrman@fns.usda.gov or Philip Fraley at Philip.Fraley@fns.usda.gov.

Sincerely,

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Enclosure

WAIVER RESPONSE

1. **Waiver serial number:** 970125
2. **Type of request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **State:** North Dakota
5. **Region:** Mountain Plains
6. **Regulatory requirement:** Federal regulations at 7 CFR 273.24 provide that no able-bodied adult without dependents (ABAWD) shall be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) as a member of any household if the individual received program benefits for more than 3 months during any 3-year period in which the individual was subject to, but did not comply with the ABAWD work requirement. Regulations at 7 CFR 273.24(a) provide that fulfilling the work requirement means: working 20 hours or more per week, averaged monthly; participating in and complying with the requirements of a work program at least 20 hours per week; any combination of working and participating in a work program for a total of 20 hours per week; or participating and complying with a workfare program.

Regulations at 7 CFR 273.24(f) also provide that, upon the request of a State agency, the Secretary may waive the applicability of the above provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.
7. **Description of proposed alternative procedures:** The North Dakota State agency has requested to waive the ABAWD time limit at 7 CFR 273.24 in Benson, Eddy, Emmons, Kidder, Pierce, Rolette, and Sheridan Counties from October 1, 2015, through September 30, 2016. North Dakota has supported its extension request based upon the combined area of Benson, Eddy, Emmons, Kidder, Pierce, Rolette, and Sheridan Counties having an average unemployment rate 20 percent above the national average for the 24-month period of March 2013 through February 2015, a criterion for waiver approval provided by Federal regulations at 7 CFR 273.24.

Bureau of Labor Statistics Local Area Unemployment Data March 2013 through February 2015*		
County	Labor Force Total	Unemployment Total
Benson	59,473	4,229
Eddy	29,958	1,791
Emmons	37,157	2,139
Kidder	29,085	1,356
Pierce	43,491	1,938
Rolette	117,229	14,043
Sheridan	15,762	859
Combined Area Total	332,155	26,355
Combined Area Unemployment Rate	7.9%	
20% Above National Average Unemployment Rate Threshold	7.9%	

*Data extracted from <http://www.bls.gov> on July 31, 2015

8. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving the State agency's request to waive the ABAWD time limit in three counties because the State meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance. Benson, Eddy, Emmons, Kidder, Pierce, Rolette, and Sheridan Counties qualify for the waiver extension because the combined area had an aggregate average unemployment rate 20 percent above the national average for the 24-month period of March 2013 through February 2015.
9. **Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f).
10. **Conditions and reasons:** None.
11. **Information required for extension:** To receive an extension the State agency must provide FNS with a formal waiver request supported by data or other information as described in 7 CFR 273.24(f). If the State requests an extension based upon unemployment rates, it must provide FNS with all supporting documentation, including data spreadsheets.
12. **Expiration date:** The waiver extension is effective October 1, 2015, through September 30, 2016.
13. **Limitation, if any, on regional office approval of like requests:** The waiver is limited to the North Dakota State agency.

14. **Date of national office action:** **AUG 27 2015**
15. **Date of State agency's request:** June 19, 2015
16. **Date of regional office transmittal of request:** June 23, 2015
17. **Implementation date:** October 1, 2015
18. **State agency contact:**
Melissa Karabensh
(701) 328-1832
mkarabensh@nd.gov
19. **FNS regional contacts:**
Kathie Herrman
(303) 438-9780
Kathie.Herrman@fns.usda.gov

Philip Fraley
(303) 844-0341
Philip.Fraley@fns.usda.gov